

4107
1
2
3 BILL NO. G-78-06-32,

GENERAL ORDINANCE NO. G-23-78

5 AN ORDINANCE amending General Ordinance
6 No. G-97 by authorizing the vacation of
7 a certain alley.

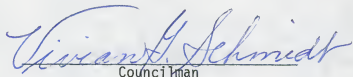
8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
9 INDIANA:

10 SECTION 1. Petition for the vacation of a certain alley having
11 been filed with the Fort Wayne City Plan Commission in accordance with
12 Section 44, Chapter 174, of the Acts of the General Assembly of the State
13 of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of
14 the General Assembly of the State of Indiana (I.C. 18-7-5-46), the
15 Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by
16 the Common Council of the City of Fort Wayne on November 26, 1963, is
17 amended by deleting the following alley, to wit:

18 The East-West Alley 12.5 feet wide extending from the East
19 right-of-way line of ~~James~~ McAfee Street to the West
20 right-of-way line of Griswold Drive. Said alley lies be-
21 tween Anderson and Tennessee Streets. Said alley lies
22 South of Part Lot #2 in Wells Reserve and North of Lots #29
23 thru 31, Inc. Fairview Place Addition.

24 SECTION 2. After passage of this Ordinance, approval by the
25 Mayor and legal publication, a duly certified copy of this Ordinance, of
26 the recommendation of the Fort Wayne City Plan Commission, and of the
27 action of the Mayor, shall be transmitted by the City Clerk to the Board
28 of Public Works of the City of Fort Wayne, Indiana.

29 SECTION 3. That this Ordinance shall be in full force and effect
30 from and after its passage, approval by the Mayor and legal publication
31 thereof.

32 
33 Councilman

34 APPROVED AS TO FORM
35 AND LEGALITY,


CITY ATTORNEY

Read the first time in full and on motion by V. Schmidt, seconded by

Hunter, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: 6-27-78 Charles W. Whittemore
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Hunter, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>0</u>	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>✓</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	_____	_____	_____	_____	_____

DATE: 8-8-78 Charles W. Whittemore
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ZONING MAP) (GENERAL) (~~ANNEXATION~~) (SPECIAL) (~~APPROPRIATION~~) ORDINANCE

(RESOLUTION) No. Y-23-78 on the 8th day of August, 1978
ATTEST: (SEAL)

Charles W. Whittemore
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of August, 1978, at the hour of 11:30 o'clock A M., E.S.T.

Charles W. Whittemore
CITY CLERK

Approved and signed by me this 10th day of August, 1978, at the hour of 3:00 o'clock _____ M., E.S.T.

Robert E. Shanshony
MAYOR

Bill No. G-78-06-32

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending General Ordinance No. G-97 by authorizing the vacation
of a certain alley

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

JOHN NUCKOLS - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD J. SCHMIDT

JAMES S. STIER

Vivian G. Schmidt
John Nuckols
William T. Hinga
Donald J. Schmidt
James S. Stier

8-8-78
DATE

CONCURRED

CHARLES W. WESTERMAN, CITY CLERK

RECEIPT

Date

37 April 1918

No.

10143

Received From

Address

817

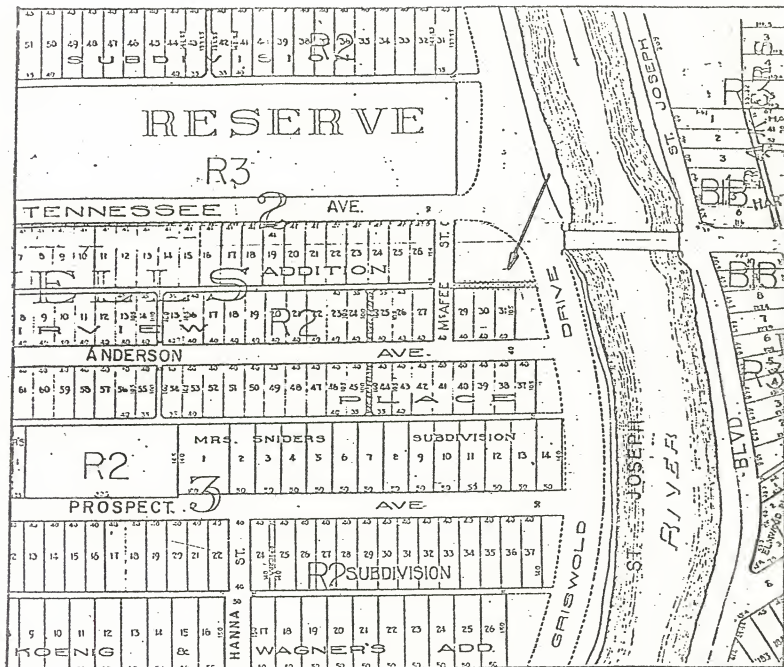
For

Dollars \$

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK		
BALANCE DUE			MONEY ORDER		

By

RVB.



VACATE ALLEY

MAP NO N-10

G-78-06-32

BY M.E.C. 4-23

PETITION TO VACATE ALLEY

The undersigned petitioner do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public alley situated within the City of Fort Wayne, Allen County, Indiana, and hereby described as follows:

An East-West alley 12.5 feet wide extending from the East right of way line of McAfee Street to the West right way line of Griswald Drive. Said alley lies between Anderson and Tennessee Streets. Said alley lies South of PT. Lot 2 Wells Reserve and North of Lots 29 to ³¹ Inc., Fairview Place Addition. In support thereof, your petitioner would represent as follows:

1. That they and the City of Fort Wayne are the owners of the real estate abutting both sides of the alley.
2. That the alley is not necessary as ingress or egress to other properties whatsoever.
3. That the alley is unopened and unimproved.
4. That no other person, firm, or corporation is interested in or affected by the requested vacation.
5. That the maintenance of said alley is not necessary or advantageous to the growth of the City of Fort Wayne, and that it would be to the best interest of the City and the citizens thereof.
6. That St. Joe Athletic Club is applying to lease the lot and maintain it PT. Lot 2 Wells Reserve.

Your petitioner file this petition pursuant to the authority granted in Indiana Code Section 18-7-5-46 in order to complete the vacation as above described.

Wherefore, your petitioner pray that the above described alley be vacated according to the provisions of the Indiana Law pertaining thereto.

Dated this 21 ST Day of April 1978

St. Joe Athletic Club
837 Anderson
Fort Wayne, Indiana 46805

Bro C Miller Jr Trustee
Robert J. Miller - Secy
Frank J. Whelan
Elmer P. Rose

Franklin A. Hart Financial Secretary
Oliver P. Anasach
Larry J. Anderson
James L. Vapel, Treasurer
Stephen M. Tiedemeier Tax

66-101-13
7/31/78
RESOLUTION #66-107-13

WHEREAS, the ST. JOE ATHLETIC CLUB OF FORT WAYNE, INDIANA have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public alley situated in Fort Wayne, Allen County, Indiana, to-wit:

The East-West alley 12.5 feet wide extending from the East right-of-way line of McAfee Street to the West right-of-way line of Griswold Drive. Said alley lies between Anderson and Tennessee Streets. Said alley lies South of Part Lot#2 in Wells Reserve and North of Lots #29 thru 31, Inc., Fairview Place Addition

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Water Engineering, Electrical Engineering, Park Board and through the public utility companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley, hereinbefore described he and the same is hereby approved subject to the west 30 feet of this alley being maintained as an easement for an Indiana & Michigan Electric power pole anchor.

BE IT FURTHER RESOLVED no public utility occupying and using said alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

STATE OF INDIANA)

COUNTY OF ALLEN) ss:

I, Henry P. Wehrenberg, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works following a Board of Works Meeting held on July 31, 1978, and as the same appears of record in the official records of said Board of Public Works.

DATED THIS 31 DAY OF July, 1978

FORT WAYNE BOARD OF PUBLIC WORKS

Henry P. Wehrenberg
Henry P. Wehrenberg, Chairman

Ethel H. La Mar, Member

Max G. Scott
Max G. Scott, Member

9°

The East-West alley 12.5 feet wide extending from the East right-of-way line of McAfee Street to the West right-of-way line of Griswold Drive. Said alley lies between Anderson and Tennessee Streets. Said alley lies South of Part of Lot #2 in Wells Reserve and North of Lots #29 thru 31, Inc., Fairview Place Addition

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said vacation of the alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of alleys in Allen County, Indiana.

I, Luben Lazoff, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held July 17, 1978, and as the same appears of record in the official records of said Plan Commission.

FORT WAYNE CITY PLAN COMMISSION

Luben Lazoff
Secretary

DIGEST SHEET

Admn. Appr. _____

TITLE OF ORDINANCE Alley Vacation Ordinance

2-78-06-321

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE The Eas-West Alley 12.5 feet wide extending from the
East right-of-way line of line of McAfee Street to the West right-of-way line
of Griswold Drive. Said alley lies between Anderson and Tennessee Streets. Said
alley lies South of Part Lot #2 in Wells Reserve and North of Lots #29 thru 31
Inc., Fairview Place Addition.

EFFECT OF PASSAGE The alley is presently unopened and unimproved and will
remain so unless returned to the abutting property owners to maintain.

EFFECT OF NON-PASSAGE The alley will remain unopened and unimproved.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

Rig



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

room 122

charles w. westerman, clerk

August 14, 1978

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of August 16 and August 23, 1978, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-78-06-32
General Ordinance No. G-23-78

Bill No. G-78-06-27
General Ordinance No. G-22-78

Please send us (8) copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL:1

LEGAL NOTICE

Notice is hereby given that on the 8th day of August, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-78-06-27 --- General Ordinance No. G-22-78 being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley

Notice is hereby given that on the 8th day of August, 1978, the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-78-06-32 --- General Ordinance No. G-23-78 being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley

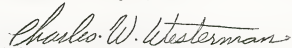
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-78-06-27 -- General Ordinance No. G-22-78 and Bill No. G-78-06-32 -- General Ordinance No. G-23-78 being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley, were passed by the Common Council on the 8th day of August, 1978, and that said Ordinances were duly signed and approved by the Mayor on the 10th day of August, 1978, and now remains on file and on record in my office.

Copies of said Bill No. G-78-06-27 --- General Ordinance No. G-22-78 and Bill No. G-78-06-32 --- General Ordinance No. G-23-78 are posted in the following places in Fort Wayne, Allen County, Indiana

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the east door of the Allen County Court House

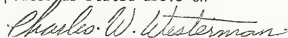
Copies of said Bill No. G-78-06-27 --- General Ordinance No. G-22-78 and Bill No. G-78-06-32 --- General Ordinance No. G-23-78, are also available for reading in the following public places in Fort Wayne, Indiana

- (4) The Reference Room in the north end of the main floor in said Downtown Public Library
- (5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana



Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designated places as stated above on August August 16, 1978



Charles W. Westerman
City Clerk

Common Council of Fort Wayne
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

68

1

69

COMPUTATION OF CHARGES

69 lines, 1 columns wide equals 69 equivalent lines at .25¢ cents per line

\$ 17.87

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

3.00

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 20.87

DATA FOR COMPUTING COST

Width of single column 3.9 cms

Size of type 5 1/2 point

Number of insertions 2

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

Notice is hereby given that on the 8th day of August, 1978 the Common Council of the City of Fort Wayne, Indiana in a Regular Session did pass the following Bill No. G-78-06-27 — General Ordinance No. G-23-78 being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley.

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I, Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-78-06-27 — General Ordinance No. G-23-78 and Bill No. G-78-06-32 — General Ordinance No. G-23-78 being AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley, were passed by the Common Council on the 8th day of August, 1978, and that said Ordinances were duly signed and approved by the Mayor on the 10th day of August, 1978, and now remain on file and on record in my office.

Copies of said Bill No. G-78-06-27 — General Ordinance No. G-23-78 and Bill No. G-78-06-32 — General Ordinance No. G-23-78 are posted in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor lobby of the City-County Building

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(4) The Reference Room in the North end of the main floor in said Downtown Public Library

(5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designate places as stated above on August 16, 1978.

Charles W. Westernman City Clerk
8-16-78

that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just part of the same has been paid.

V. E. Gerken

August 23 1978

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V. E. GERKEN who, being duly sworn, says

that she is CLERK of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

8/16-23/78

Subscribed and sworn to before me this 23rd day of August 1978

My commission expires

September 28, 1979

Notary Public

Common Council of Fort Wayne
(Governmental Unit)

To THE NEWS-SENTINEL Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

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2.00

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Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date August 23 19 78

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned V.E. GERKEN who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time(s), the dates of publication being as follows:

8/16-23/78

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My commission expires

September 28, 1979

Notary Public

EACH COPY OF
ADVERTISEMENT HERE

10th day of August, 1978, and now remains on file and on record in my office.

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Charles W. Westerman City Clerk
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designate places as stated above on August 16, 1978.Charles W. Westerman City Clerk
8-16-23

Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

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I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designate places as stated above on August 14, 1978.

Charles W. Westerman City Clerk

the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just part of the same has been paid.

Arvilla DeWald

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana }
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

8/16-23/78

Subscribed and sworn to before me this 22nd day of August 1978

Arvilla DeWald

Notary Public

My commission expires September 28, 1979

THIRTY COPY OF
STATEMENT HERE

Common Council of Fort Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

Allen County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arville DeWald

Date August 23, 1978

CLERK

Title

PUBLISHER'S AFFIDAVIT

State of Indiana
Allen County } ss:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLE DEWALD who, being duly sworn, says that she is CLERK

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time, the dates of publication being as follows:

8/16-23/78

Subscribed and sworn to before me this 23rd day of August 1978

Notary Public

My commission expires

September 28, 1979

H COPY OF
SEMENT HERE

Copies of said Bill No. G-78-04-27 — General Ordinance No. G-22-78 and Bill No. G-78-06-32 — General Ordinance No. G-23-78 are posted in the following places in Fort Wayne, Allen County, Indiana:

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the east door of the Allen County Court House
- (4) The Reference Room in the North end of the main floor in said Downtown Public Library
- (5) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana

Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above Ordinance in the designate places as stated above on August 16, 1978.

Charles W. Westerman City Clerk
8-16-78